

REPORT OF INDIAN PEACE COMMISSIONERS.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Report of the Indian Peace Commissioners.

JANUARY 14, 1868.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith the report made by the commissioners appointed under the act of Congress approved on the 20th day of July, 1867, entitled "An act to establish peace with certain hostile Indian tribes," together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, D. C., January 14, 1868.

REPORT TO THE PRESIDENT BY THE INDIAN PEACE COMMISSION,
JANUARY 7, 1868.

To the President of the United States :

The undersigned, commissioners appointed under the act of Congress, approved July 20, 1867, "to establish peace with certain hostile Indian tribes," were authorized by said act to call together the chiefs and headmen of such bands of Indians as were then waging war, for the purpose of ascertaining their reasons for hostility, and if thought advisable, to make treaties with them, having in view the following objects, viz :

- 1st. To remove, if possible, the causes of war.
- 2d. To secure, as far as practicable, our frontier settlements and the safe building of our railroads looking to the Pacific; and
- 3d. To suggest or inaugurate some plan for the civilization of the Indians.

Congress, in the passage of the law, seemed to indicate the policy of collecting at some early day all the Indians east of the Rocky mountains on one or more reservations, and with that view it was made our duty to examine and select "a district or districts of country having sufficient area to receive all the Indian tribes occupying territory east of the said mountains not now peacefully residing on permanent reservations under treaty stipulations, &c." It was required that these reservations should have sufficient arable or grazing lands to enable the

tribes placed on them to support themselves, and that they should be so located as not to interfere with established highways of travel and the contemplated railroads to the Pacific ocean. The subsequent action and approval of Congress will be necessary, however, to dedicate the district or districts so selected to the purposes of exclusive Indian settlement.

When the act was passed, war was being openly waged by several hostile tribes, and great diversity of opinion existed among the officials of the government, and no less diversity among our people, as to the means best adapted to meet it. Some thought peaceful negotiation would succeed, while others had no hope of peace until the Indians were thoroughly subdued by force of arms. As a concession to this latter sentiment, so largely prevailing, as well as to meet the possible contingency of failure by the commission, it was, perhaps, wisely provided, that in case peace could not be obtained by treaty, or should the Indians fail to comply with the stipulations they might make for going on their reservations, the President might call out four regiments of mounted troops for the purpose of conquering the desired peace.

On the sixth day of August we met at St. Louis, Missouri, and organized by selecting N. G. Taylor president and A. S. H. White secretary.

The first difficulty presenting itself was to secure an interview with the chiefs and leading warriors of these hostile tribes. They were roaming over an immense country, thousands of miles in extent, and much of it unknown even to hunters and trappers of the white race. Small war parties constantly emerging from this vast extent of unexplored country would suddenly strike the border settlements, killing the men and carrying off into captivity the women and children. Companies of workmen on the railroads, at points hundreds of miles from each other, would be attacked on the same day, perhaps in the same hour. Overland mail coaches could not be run without military escort, and railroad and mail stations unguarded by soldiery were in perpetual danger. All safe transit across the plains had ceased. To go without soldiers was hazardous in the extreme; to go with them forbade reasonable hope of securing peaceful interviews with the enemy. When the Indian goes to war he enters upon its dreadful work with earnestness and determination. He goes on an errand of vengeance, and no amount of blood satisfies him. It may be because, with him, all wrongs have to be redressed by war. In our intercourse with him we have failed, in a large measure, to provide peaceful means of redress, and he knows no law except that of retaliation. He wages war with the same pertinacity, and indeed in the same spirit, with which a party litigant in full conviction of the right prosecutes his suit in court. His only compromise is to have his rights, real or fancied, fully conceded. To force he yields nothing. In battle he never surrenders, and is the more excusable, therefore, that he never accepts capitulation at the hands of others. In war he does not ask or expect mercy. He is then the more consistent that he does not grant mercy.

So little accustomed to kindness from others, it may not be strange that he often hesitates to confide. Proud himself, and yet conscious of the contempt of the white man, when suddenly aroused by some new wrong, the remembrance of old ones still stinging his soul, he seems to become, as expressed by himself, blind with rage. If he fails to see the olive-branch or flag of truce in the hands of the peace commissioner, and in savage ferocity adds one more to his victims, we should remember that for two and a half centuries he has been driven back from civilization, where his passions might have been subjected to the influences of education and softened by the lessons of Christian charity.

This difficulty, meeting us at the very threshold of our duties, had to be overcome before anything of a practical character could be accomplished. Fortunately, we had on the commission a combination of the civil and military power necessary to give strength and efficiency to our operations. Through the orders of Lieutenant General Sherman to the commanders of posts, and those of Com-

missioner Taylor to superintendents and agents under his charge, in the proper districts, a perfect concert of action was secured, and according to our instructions the hostile Indians of western Dakota were notified that we would meet them at Fort Laramie on the 13th day of September; and those then south of the Arkansas, including the Cheyennes, the Kiowas, Comanches, Arapahoes, and Apaches, that we would meet them for consultation at some point near Fort Larned, on or about the 13th day of October.

Whilst runners were being employed and sent out to notify them of our pacific intentions, and our desire to meet them at the times and places stated, the commission resolved to occupy the time intervening before the first meeting in examining the country on the upper Missouri river. The steamer *St. John's* was chartered, and such goods purchased as were thought suitable as presents to the Indians.

On the 13th of August we met at Fort Leavenworth and took the statements of Major General Hancock, Governor Crawford of Kansas, Father De Smet and others. Thence we proceeded to Omaha, Nebraska, and took the statements of Major General Augur and others. At Yankton we met Governor Faulk of Dakota, and took his evidence on the subjects embraced in our duties. Governor Faulk, at our request, accompanied the commission up the river, and was present at the subsequent interviews with the Indians of his superintendency.

Owing to the low stage of water our progress up the river was much retarded, and we failed to reach Fort Rice as we had intended. On the 30th of August a point twelve miles above the mouth of the Big Cheyenne river was reached, when it was found necessary to turn back in order to fill our several engagements made with the Indians on the river as we went up, and then reach Fort Laramie by the 13th of September.

On the return trip councils were held with various bands of the Sioux or Dakota Indians at Forts Sully and Thompson, and also at the Yankton, Ponca, and Santie Sioux reservations, full reports of which will be found in the appendix. Although these Indians along the Missouri river are not hostile, and do not, therefore, legitimately come within the scope of duties assigned us, yet it was thought quite important, in determining whether the country itself was fit for an Indian reservation, to examine into the condition of those now there, and especially those who are endeavoring to live by agriculture.

The time given us was too short to make anything like a personal inspection of so large a district of uninhabited country as that which lies north of Nebraska, between the Missouri river on the east and the Black Hills on the west, and to which public attention is now being very generally directed as a home for the more northern tribes. We took evidence of those who had traversed this region in reference to the soil, climate and productions, which evidence will be found in the appendix. To this subject we shall again allude when we come to speak of reservations for Indian settlement.

In this connection, however, before returning to the thread of our narrative, it is our duty to remark that the condition of these tribes demands prompt and serious attention. The treaty stipulations with many of them are altogether inappropriate. They seem to have been made in total ignorance of their numbers and disposition, and in utter disregard of their wants. Some of the agents now among them should be removed, and men appointed who will, by honesty, fair dealing and unselfish devotion to duty, secure their respect and confidence. Where the present treaties fail to designate a particular place as a home for the tribe, they should be changed.

Returning to Omaha on the 11th of September, the steamer was discharged, and we immediately proceeded to North Platte, on the Pacific railroad, where we found a considerable number of the Sioux and northern Cheyennes, some of whom had long been friendly, while others had but recently been engaged in war. A council was held with them, which at one time threatened to result in

no good; but finally a full and perfect understanding was arrived at, which though not then, nor even yet, reduced to writing, we have every reason to believe has been faithfully kept by them.

It was at this council that the hitherto untried policy in connection with Indians, of endeavoring to conquer by kindness, was inaugurated. Swift Bear, a Brulé chief, then and now a faithful friend of the whites, had interested himself to induce the hostile bands to come in to this council, and had promised them, if peace were made, that ammunition should be given them to kill game for the winter. This promise was not authorized by the commissioners, but we were assured that it had been made not only by him, but by others of our runners, and that nothing less would have brought them in. These Indians are very poor and needy. The game in this section is fast disappearing, and the bow and arrow are scarcely sufficient to provide them food. To give one of these Indians powder and ball is to give him meat. To refuse it, in his judgment, dooms him to starvation; and worse than this, he looks upon the refusal, especially after a profession of friendship on his part, as an imputation upon his truthfulness and fidelity. If an Indian is to be trusted at all, he must be trusted to the full extent of his word. If you betray symptoms of distrust he discovers it with nature's intuition, and at once condemns the falsehood that would blend friendship and suspicion together. Whatever our people may choose to say of the insincerity or duplicity of the Indian, would fail to express the estimate entertained by many Indians of the white man's character in this respect. Promises have been so often broken by those with whom they usually come in contact, cupidity has so long plied its work deaf to their cries of suffering, and heartless cruelty has so frequently sought them in the garb of charity, that to obtain their confidence our promises must be scrupulously fulfilled and our professions of friendship divested of all appearance of selfishness and duplicity.

We are now satisfied, whatever the criticisms on our conduct at the time—and they were very severe both by the ignorant and the corrupt—that had we refused the ammunition demanded at this council, the war on their part would have continued, and possibly ere this have resulted in great loss of life and property. As it is, they at once proceeded to their fall hunt on the Republican river, where they killed game enough to subsist themselves for a large part of the winter, and no act of hostility or wrong has been perpetrated by them since.

The statement of this fact, if it proves nothing else, may serve to indicate that the Indian, though barbarous, is yet a man, susceptible to those feelings which ordinarily respond to the exercise of magnanimity and kindness. If it should suggest to civilization that the injunction to "do good to them that hate us" is not confined to race, but broad as humanity itself, it may do some good even to ourselves. It will at least for the practical man, honestly seeking a solution of these troubles, serve a better purpose than whole pages of theorizing upon Indian character.

At this point we were informed by our scouts that the northern Sioux, who were waging war on the Powder river, would not be able to meet us at Fort Laramie at the time indicated; whereupon we adjourned the meeting until the 1st day of November, and requested them if possible to secure a delegation to meet us on our return. We then left the valley of the Platte and proceeded up the Kansas river and its tributaries to Fort Harker, and thence by the way of Fort Larned to a point eighty miles south of the Arkansas river, where we met the Kiowas, Comanches, Arapahoes, and Apaches on a stream called Medicine Lodge creek. It should be stated at this point that when we arrived at St. Louis, on our way hither, we found that Lieutenant General Sherman had been summoned to Washington city by the President, and his place on the commission supplied by the appointment of Brevet Major General C. C. Augur, who joined the other members at Fort Larned and participated in all our subsequent proceedings. At our first councils at Medicine lodge the larger body of the hostile Cheyennes remained off at a distance of forty miles.

These latter Indians were evidently suspicious of the motives which had prompted us to visit them. Since the preceding April they had committed many depredations. They had been unceasingly on the war-path, engaged in indiscriminate murder and plunder. They knew that our troops had but recently been hunting them over the plains, killing them wherever they could find them. They could not therefore appreciate this sudden change of policy. For two weeks they kept themselves at a distance, sending in small parties to discover if possible our true intentions.

Before the arrival of the Cheyennes we concluded treaties with the Kiowas, Comanches, and Apaches, and after their arrival we concluded a joint treaty with the Cheyennes and Arapahoes, all of which we herewith submit and earnestly recommend for ratification.

Before these agreements were perfected we had many interviews or "talks" with the several tribes, some of which were exceedingly interesting as illustrative of their character, habits, and wishes. Being provided with an efficient shorthand reporter we were enabled to preserve the full proceedings of these councils, and to them we especially call your attention.

After giving to these tribes their annuities, which had been detained at the military posts since last spring on account of their alleged hostility, and after distributing among them some presents, the commission returned to Omaha, and thence by North Platte to Fort Laramie, to fill our second engagement with the hostile Sioux and Cheyennes of the north.

On arriving at Fort Laramie we found awaiting us a delegation of Crows, with whom a council was held and their statements taken. Red Cloud, the formidable chief of the Sioux, did not come to this council. The Crows, as a tribe, have not been hostile. Some of their young men, no doubt, have united themselves with the hostile forces of Ogallalla and Brulé Sioux and northern Cheyennes, who since July, 1866, under the leadership of Red Cloud, have spread terror throughout this entire region of country.

We greatly regret the failure to procure a council with this chief and his leading warriors. If an interview could have been obtained, we do not for a moment doubt that a just and honorable peace could have been secured. Several causes operated to prevent his meeting us. The first, perhaps, was a doubt of our motives; the second results from a prevalent belief amongst these Indians that we have resolved on their extermination; and third, the meeting was so late in the season that it could not be attended in this cold and inhospitable country without great suffering. He sent us word, however, that his war against the whites was to save the valley of the Powder river, the only hunting ground left to his nation, from our intrusion. He assured us that whenever the military garrisons at Fort Phil. Kearney and Fort C. F. Smith were withdrawn, the war on his part would cease. As we could not then, for several reasons, make any such agreement, and as the garrisons could not have been safely removed so late in the season, the commission adjourned, to meet in Washington on the ninth day of December. Before adjourning we took the promise of the Crows to meet us early next summer, and sent word to Red Cloud and his followers to meet us at the same council, to be held either at Fort Rice, on the Missouri river, or at Fort Phil. Kearney, in the mountains, as they might prefer. We also asked a truce or cessation of hostilities until the council could be held.

Returning then by way of North Platte, we received new assurances of peace and friendship from the Indians there assembled. They will give us no further trouble at present. They are the same to whom we gave the ammunition.

Since arriving here, we are gratified to be informed that Red Cloud has accepted our proposition to discontinue hostilities, and meet us in council next spring or summer. And now, with anything like prudence and good conduct on the part of our own people in the future, we believe the Indian war east of the Rocky mountains is substantially closed.

Our first duty under the act, it will be remembered, was to secure a conference with the Indians. Having obtained that conference, our second duty was to ascertain from themselves the reasons inducing them to go to war. These reasons may be gathered from the speeches and testimony of the chiefs and warriors hereto appended. The limits of this paper will not permit more than a brief summary of these reasons. The testimony satisfies us that since October, 1865, the Kiowas, Comanches, and Apaches have substantially complied with their treaty stipulations entered into at that time at the mouth of the Little Arkansas. The only flagrant violation we were able to discover consisted in the killing of James Box and the capture of his family in western Texas about the 15th of August, 1866. The alleged excuse for this act is, that they supposed an attack on Texas people would be no violation of a treaty with the United States; that as we ourselves had been at war with the people of Texas, an act of hostility on their part would not be disagreeable to us.

We are aware that various other charges were made against the Kiowas and Comanches, but the evidence taken will pretty clearly demonstrate that these charges were almost wholly without foundation. The charges against the Arapahoes amounted to but little.

The story of the Cheyennes dates far back, and contains many points of deep and thrilling interest. We will barely allude to some of them and then pass on.

In 1851, a short time after the discovery of gold in California, when a vast stream of emigration was flowing over the western plains, which up to that period had been admitted by treaty and by law to be Indian territory, it was thought expedient to call together all the tribes east of the Rocky mountains for the purpose of securing the right of peaceful transit over their lands, and also fixing the boundaries between the different tribes themselves. A council was convened at Fort Laramie on the 17th day of September of that year, at which the Cheyennes, Arapahoes, Crows, Assinaboines, Gros-Ventres, Mandans, and Arickarees were represented. To each of these tribes boundaries were assigned. To the Cheyennes and Arapahoes was given a district of country "commencing at the Red Butte, or the place where the road leaves the north fork of the Platte river; thence up the north fork of the Platte river to its source; thence along the main range of the Rocky mountains to the headwaters of the Arkansas river; thence down the Arkansas river to the crossing of the Santa Fé road; thence in a northwesterly direction to the forks of the Platte river; thence up the Platte river to the place of beginning." It was further provided in this treaty that the rights or claims of any one of the nations should not be prejudiced by this recognition of title in the others, and "further, that they do not surrender the privilege of hunting, fishing, or passing over any of the tracts of country hereinbefore described." The Indians granted us the right to establish roads and military and other posts within their respective territories, in consideration of which we agreed to pay the Indians fifty thousand dollars per annum for fifty years, to be distributed to them in proportion to the population of the respective tribes. When this treaty reached the Senate, "fifty years" was stricken out and "ten years" substituted, with authority in the President to continue the annuities for a period of five years longer, if he saw fit.

It will be observed that the boundaries of the Cheyenne and Arapahoe land, as fixed by this treaty, include the larger portion of the Territory of Colorado and most of the western part of Kansas.

Some years after this gold and silver were discovered in the mountains of Colorado, and thousands of fortune-seekers, who possessed nothing more than the right of transit over these lands, took possession of them for the purpose of mining, and, against the protests of the Indians, founded cities, established farms and opened roads. Before 1861 the Cheyennes and Arapahoes had been driven from the mountain regions down upon the waters of the Arkansas, and were becoming sullen and discontented because of this violation of their rights. The

third article of the treaty of 1851 contained the following language: "The United States bind themselves to protect the aforesaid Indian nations against the commission of all depredations by the people of the United States after the ratification of this treaty." The Indians, however ignorant, did not believe that the obligations of this treaty had been complied with.

If the lands of the white man are taken, civilization justifies him in resisting the invader. Civilization does more than this; it brands him as a coward and a slave if he submits to the wrong. Here civilization made its contract and guaranteed the rights of the weaker party. It did not stand by the guarantee. The treaty was broken, but not by the savage. If the savage resists, civilization, with the ten commandments in one hand and the sword in the other, demands his immediate extermination.

We do not contest the ever ready argument that civilization must not be arrested in its progress by a handful of savages. We earnestly desire the speedy settlement of all our Territories. None are more anxious than we to see their agricultural and mineral wealth developed by an industrious, thrifty and enlightened population. And we fully recognize the fact that the Indian must not stand in the way of this result. We would only be understood as doubting the purity and genuineness of that civilization which reaches its ends by falsehood and violence, and dispenses blessings that spring from violated rights.

These Indians saw their former homes and hunting grounds overrun by a greedy population, thirsting for gold. They saw their game driven east to the plains, and soon found themselves the objects of jealousy and hatred. They too must go. The presence of the injured is too often painful to the wrongdoer, and innocence offensive to the eyes of guilt. It now became apparent that what had been taken by force must be retained by the ravisher, and nothing was left for the Indian but to ratify a treaty consecrating the act.

On the 18th day of February, 1861, this was done at Fort Wise, in Kansas. These tribes ceded their magnificent possessions, enough to constitute two great States of the Union, retaining only a small district for themselves, "beginning at the mouth of the Sandy fork of the Arkansas river and extending westwardly along said river to the mouth of the Purgatory river; thence along up the west bank of the Purgatory river to the northern boundary of the Territory of New Mexico; thence west along said boundary to a point where a line drawn due south from a point on the Arkansas river five miles east of the mouth of the Huerfando river would intersect said northern boundary of New Mexico; thence due north from that point on said boundary to the Sandy fork to the place of beginning." By examining the map, it will be seen that this reservation lies on both sides of the Arkansas river, and includes the country around Fort Lyon. In consideration of this concession, the United States entered into new obligations. Not being able to protect them in the larger reservation, the nation re-resolved that it would protect them "in the quiet and peaceable possession" of the smaller tract. Second, "to pay each tribe thirty thousand dollars per annum for fifteen years;" and third, that houses should be built, lands broken up and fenced, and stock animals and agricultural implements furnished. In addition to this, mills were to be built, and engineers, farmers and mechanics sent amongst them. These obligations, like the obligations of 1851, furnished glittering evidences of humanity to the reader of the treaty. Unfortunately, the evidence stops at that point.

In considering this treaty, it will occur to the reader that the eleventh article demonstrates the amicable relations between the Indians and their white friends up to that time. It provides as follows: "In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver City and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States government to enter a suffi-

cient quantity of land to include said city and towns at the minimum price of one dollar and twenty-five cents per acre."

Large and flourishing cities had been built on the Indian lands, in open violation of our treaty. Town lots were being sold, not by the acre, but by the front foot. Rich mines had been opened in the mountains, and through the streets of these young cities poured the streams of golden wealth. This had once been Indian property. If the white man in taking it was "kind" to the savage, this at least carried with it some honor, and deserves to be remembered. By some it may be thought that a more substantial return might well have been made. By others it may be imagined that the property of the Indians and the amiable courtesies of the whites were just equivalents. But "kind treatment" here was estimated at more than the Indians could give. It was thought to deserve something additional at the hands of the government, and the sites of cities at one dollar and a quarter per acre was perhaps as reasonable as could be expected. If the absolute donation of cities already built would secure justice, much less kindness to the red man, the government could make the gift and save its millions of treasure.

When the treaty came to the Senate, the 11th article was stricken out, but it would be unjust to suppose that this action was permitted to influence in the least future treatment by the whites. From this time until the 12th of April, 1864, these Indians were confessedly at peace. On that day a man by the name of Ripley, a ranchman, came into camp Sanborn, on the south Platte, and stated that the Indians had taken his stock; he did not know what tribe. He asked and obtained of Captain Sanborn, the commander of the post, troops for the purpose of pursuit. Lieutenant Dunn, with forty men, were put under the guide of this man Ripley, with instructions to disarm the Indians found in possession of Ripley's stock. Who or what Ripley was we know not. That he owned stock we have his own word, the word of no one else. During the day Indians were found. Ripley claimed some of the horses. Lieutenant Dunn ordered the soldiers to stop the herd, and ordered the Indians to come forward and talk with him. Several of them rode forward, and when within six or eight feet, Dunn ordered his men to dismount and disarm the Indians. The Indians of course resisted, and a fight ensued. What Indians they were he knew not; from bows and arrows found, he judged them to be Cheyennes. Dunn getting the worst of the fight, returned to camp, obtained a guide and a remount and next morning started again. In May following, Major Downing of the first Colorado cavalry went to Denver and asked Colonel Chivington to give him a force to move against the Indians. For what purpose we do not know. Chivington gave him the men, and the following are Downing's own words: "I captured an Indian and required him to go to the village or I would kill him. This was about the middle of May. We started about eleven o'clock in the day, travelled all day and all that night; about daylight I succeeded in surprising the Cheyenne village of Cedar Bluffs, in a small cañon about sixty miles north of the South Platte river. We commenced shooting. I ordered the men to commence killing them. They lost, as I am informed, some twenty-six killed and thirty wounded. My own loss was one killed and one wounded. I burnt up their lodges and everything I could get hold of. I took no prisoners. We got out of ammunition and could not pursue them."

In this camp the Indians had their women and children. He captured a hundred ponies which, the officer says, "were distributed among the boys, for the reason that they had been marching almost constantly day and night for nearly three weeks." This was done because such conduct "was usual," he said, "in New Mexico." About the same time, Lieutenant Ayres of the Colorado troops had a difficulty, in which an Indian chief under a flag of truce was murdered. During the summer and fall occurrences of this character were frequent. Some

time during the fall, Black Kettle and other prominent chiefs of the Cheyenne and Arapahoe nations sent word to the commander at Fort Lyon that the war had been forced upon them and they desired peace. They were then upon their own reservation. The officer in command, Major E. W. Wynkoop, first Colorado cavalry, did not feel authorized to conclude a treaty with them, but gave them a pledge of military protection until an interview could be procured with the governor of Colorado, who was superintendent of Indian affairs. He then proceeded to Denver with seven of the leading chiefs to see the governor. Colonel Chivington was present at the interview. Major Wynkoop, in his sworn testimony before a previous commission, thus relates the action of the governor, when he communicated the presence of the chiefs seeking peace: "He (the governor) intimated that he was sorry I had brought them; that he considered he had nothing to do with them, that they had declared war against the United States, and he considered them in the hands of the military authorities; that he did not think anyhow it was policy to make peace with them until they were properly punished, for the reason that the United States would be acknowledging themselves whipped." Wynkoop further states that the governor said the third regiment of Colorado troops had been raised, on his representations at Washington, to kill Indians, and Indians they must kill." Wynkoop then ordered the Indians to move their villages nearer to the fort, and bring their women and children, which was done. In November this officer was removed, and Major Anthony, of the first Colorado cavalry, ordered to take command of the fort. He too assured the Indians of safety. They numbered about five hundred, men, women and children. It was here, under the pledge of protection, that they were slaughtered by the third Colorado and a battalion of the first Colorado cavalry under command of Colonel Chivington. He marched from Denver to Fort Lyon, and about daylight in the morning of the 29th of November surrounded the Indian camp and commenced an indiscriminate slaughter. The particulars of this massacre are too well known to be repeated here with all its heart-rending scenes. It is enough to say, that it scarcely has its parallel in the records of Indian barbarity. Fleeing women holding up their hands and praying for mercy were brutally shot down; infants were killed and scalped in derision, men were tortured and mutilated in a manner that would put to shame the savage ingenuity of interior Africa.

No one will be astonished that a war ensued which cost the government thirty million dollars and carried conflagration and death to the border settlements. During the spring and summer of 1865 no less than eight thousand troops were withdrawn from the effective force engaged in suppressing the rebellion to meet this Indian war. The result of the year's campaign satisfied all sensible men that war with Indians was both useless and expensive. Fifteen or twenty Indians had been killed, at an expense of more than a million dollars apiece, while hundreds of our soldiers had lost their lives, many of our border settlers been butchered, and much property destroyed. To those who reflected on the subject, knowing the facts, the war was something more than useless and expensive: it was dishonorable to the nation, and disgraceful to those who had originated it.

When the utter futility of *conquering* a peace was made manifest to every one, and the true causes of the war began to be developed, the country demanded that peaceful agencies should be resorted to. Generals Harney, Sanborn and others were selected as commissioners to procure a council of the hostile tribes, and in October, 1865, they succeeded in doing so at the mouth of the Little Arkansas. At this council the Cheyennes and Arapahoes were induced to relinquish their reservation on the upper Arkansas and accept a reservation partly in southern Kansas and partly in the Indian territory, lying immediately south of Forts Larned and Zarah. The object was to remove them from the vicinity of Colorado.

By the third article of the treaty it was agreed that until the Indians were removed to their new reservation, they were "expressly permitted to reside upon

and range at pleasure throughout the unsettled portions of that part of the country they claim as originally theirs, which lies between the Arkansas and Platte rivers." This hunting ground reserved is the same which is described in the treaty of 1851, and on which they yet claim the right to hunt as long as the game shall last. When this treaty came to the Senate for ratification it was so amended as to require the President to designate for said tribes a reservation outside of the State of Kansas, and not within any Indian reservation except upon consent of the tribe interested. As the reservation fixed was entirely within the State of Kansas and the Cherokee country, this provision deprived them of any home at all, except the hunting privilege reserved by the treaty. This statement, if not illustrative of the manner in which Indian rights are secured by our legislators, may at least call for greater vigilance in the future. Agreements at the same time were made with the Kiowas, Comanches, and Apaches.

So soon as these treaties were signed, the war which had been waged for nearly two years instantly ceased. Travel was again secure on the plains. What eight thousand troops had failed to give, this simple agreement, rendered nugatory by the Senate, and bearing nothing but a pledge of friendship, obtained. During the summer, fall and winter of 1866 comparative peace prevailed. General Sherman, during this time, travelled without escort to the most distant posts of his command, and yet with a feeling of perfect security.

To say that no outrages were committed by the Indians would be claiming for them more than can be justly claimed for the most moral and religious communities. Many bad men are found among the whites; they commit outrages despite all social restraints; they frequently, too, escape punishment. Is it to be wondered at that Indians are no better than we? Let us go to our best cities, where churches and school-houses adorn every square, yet unfortunately we must keep a policeman at every corner, and scarcely a night passes but, in spite of refinement, religion and law, crime is committed. How often, too, is it found impossible to discover the criminal! If, in consequence of these things, war should be waged against these cities, they too would have to share the fate of Indian villages.

The Sioux war on the Powder river; to which we shall hereafter allude, commenced in July, 1866. When it commenced General St. George Cook, in command at Omaha, forbade within the limits of his command the sale of arms and ammunition to Indians. The mere existence of an Indian war on the north Platte aroused apprehensions of danger on the Arkansas. The Cheyennes of the north and south are related, and though living far apart, they frequently visit each other. Many of the northern Sioux desiring to be peaceable, (as they allege,) on the breaking out of hostilities in the north, came south, some to the vicinity of the Republican and others as far south as Fort Larned. Their appearance here excited more or less fear among the traders and freighters on the plains. These fears extended to the settlements, from which they were reflected back to the military posts. The commanders became jealous and watchful. Trifles, which under ordinary circumstances would have passed unnoticed, were received as conclusive of the hostile purposes of these tribes. Finally, in December, Fetterman's party were killed at Fort Phil. Kearney, and the whole country became thrilled with horror. It is thus that the Indian in war loses the sympathy of mankind. That he goes to war is not astonishing; he is often compelled to do so. Wrongs are borne by him in silence that never fail to drive civilized men to deeds of violence. When he is your friend he will sometimes sacrifice himself in your defence. When he is your enemy he pushes his enmity to the excesses of barbarity. This shocks the moral sense and leaves him without defenders.

When the news of this terrible calamity reached the Arkansas posts, the traders here too were prohibited from selling the Indians arms. Major Douglas,

upon their keeping off the main lines of travel, where their presence is calculated to bring about collisions with the whites." This it will be remembered was their hunting ground, secured by treaty. On the same day he forwarded a similar communication to J. H. Leavenworth, agent for the Kiowas and Comanches. The complaints he alleges against them are precisely the same contained in the affidavit and statement of Jones and the letter of Captain Asbury.

The expedition left Fort Larned on the 13th of April, and proceeded up the Pawnee fork of the Arkansas, in the direction of a village of a thousand or fifteen hundred Cheyennes and Sioux. When he came near their camp the chiefs visited him, as they had already done at Larned, and requested him not to approach the camp with his troops, for the women and children, having the remembrance of Sand creek, would certainly abandon the village. On the 14th he resumed his march, with cavalry, infantry, and artillery, and, when about ten miles from their village, he was again met by the headmen, who stated that they would treat with him there or elsewhere, but they could not, as requested by him, keep their women and children in camp if he approached with soldiers. He informed them that he would march up to within a mile of the village, and treat with them that evening. As he proceeded the women fled, leaving the village, with all their property. The chiefs and a part of the young men remained. To some of these, visiting the camp of General Hancock, horses were furnished to bring back the women. The horses were returned, with word that the women and children could not be collected. It was then night. Orders were then given to surround the village and capture the Indians remaining. The order was obeyed, but the chiefs and warriors had departed. The only persons found were an old Sioux and an idiotic girl of eight or nine years of age. It afterwards appeared that the person of this girl had been violated, from which she soon died. The Indians were gone, and the report spread that she had been a captive among them, and they had committed this outrage before leaving. The Indians say that she was an idiotic Cheyenne girl, forgotten in the confusion of flight—and if violated, it was not by them.

The next morning General Custer, under orders, started in pursuit of the Indians with his cavalry, and performed a campaign of great labor and suffering, passing over a vast extent of country, but seeing no hostile Indians. When the fleeing Indians reached the Smoky Hill they destroyed a station and killed several men. A courier having brought this intelligence to General Hancock, he at once ordered the Indian village, of about three hundred lodges together with the entire property of the tribes, to be burned.

The Indian now became an outlaw—not only the Cheyennes and Sioux, but all the tribes on the plains. The superintendent of an express company, Cottrell, issued a circular order to the agents and employes of the company in the following language: "You will hold no communications with Indians whatever. If Indians come within shooting distance, shoot them. Show them no mercy, for they will show you none." This was in the Indian country. He closes by saying: "General Hancock will protect you and our property."

Whether war existed previous to that time seems to have been a matter of doubt even with General Hancock himself. From that day forward no doubt on the subject was entertained by anybody. The Indians were then fully aroused, and no more determined war has ever been waged by them. The evidence taken tends to show that we have lost many soldiers, besides a large number of settlers, on the frontier. The most valuable trains belonging to individuals, as well as to government, among which was a government train of ammunition, were captured by these wild horsemen. Stations were destroyed. Hundreds of horses and mules were taken, and found in their possession when we met them in council; while we are forced to believe that their entire loss since the burning of their village consists of six men killed.

The Kiowas and Comanches, it will be seen, deny the statement of Jones in

every particular. They say that no war party came in at the time stated, or at any other time, after the treaty of 1865. They deny that they killed any negro soldiers, and positively assert that no Indian was ever known to scalp a negro. In the latter statement they are corroborated by all the tribes and by persons who know their habits; and the records of the Adjutant General's office fail to show the loss of the seventeen negro soldiers or any soldiers at all. They deny having robbed Jones, or insulted Page or Tappan. Tappan's testimony was taken, in which he brands the whole statement of Jones as false, and declares that both he and Page so informed Major Douglas within a few days after Jones made his affidavit. We took the testimony of Major Douglas, in which he admits the correctness of Tappan's statement, but, for some reason unexplained, he failed to communicate the correction to General Hancock. The threats to take the horses and attack the posts on the Arkansas were made in a vein of jocular bravado, and not understood by any one present at the time to possess the least importance. The case of the Box family has already been explained, and this completes the case against the Kiowas and Comanches, who are exculpated by the united testimony of all the tribes from any share in the late troubles.

The Cheyennes admit that one of their young men in a private quarrel, both parties being drunk, killed a New Mexican at Fort Zarali. Such occurrences are so frequent among the whites on the plains that ignorant Indians might be pardoned for participating, if it be done merely to evidence their advance in civilization. The Indians claim that the Spaniard was in fault, and further protest that no demand was ever made for the delivery of the Indian.

The Arapahoes admit that a party of their young men, with three young warriors of the Cheyennes, returning from an excursion against the Utes, attacked the train of Mr. Weddell, of New Mexico, during the month of March, and they were gathering up the stock when the war commenced.

Though this recital should prove tedious, it was thought necessary to guard the future against the errors of the past. We would not blunt the vigilance of military men in the Indian country, but we would warn them against the acts of the selfish and unprincipled, who need to be watched as well as the Indian. The origin and progress of this war are repeated in nearly all Indian wars. The history of one will suffice for many.

Nor would we be understood as conveying a censure of General Hancock for organizing this expedition. He had just come to the department, and circumstances were ingeniously woven to deceive him. His distinguished services in another field of patriotic duty had left him but little time to become acquainted with the remote or immediate causes producing these troubles. If he erred, he can very well roll a part of the responsibility on others; not alone on subordinate commanders, who were themselves deceived by others, but on those who were able to guard against the error, and yet failed to do it. We have hundreds of treaties with the Indians, and military posts are situated everywhere on their reservations. Since 1837 these treaties have not been compiled, and no provision is made, when a treaty is proclaimed, to furnish it to the commanders of posts, departments or divisions. This is the fault of Congress.

As early as November, 1866, and long before the late war commenced, Lieutenant General Sherman, in his annual report to General Grant, indicated an Indian policy for the plains. He proposed, with the consent of the Secretary of War and the Secretary of the Interior, to restrict the Sioux north of the Platte, and east and west of certain lines, and "to deal summarily" with all found outside of those lines without a military pass. He then proceeds to say, "in like manner I would restrict the Arapahoes, Cheyennes, Comanches, Kiowas, Apaches, and Navajoes, south of the Arkansas and east of Fort Union. This will leave for our people exclusively the use of the wide belt east and west, between the Platte and the Arkansas, in which lie the two great railroads over which passes the bulk of the travel to the mountain territories." He further

says: "I beg you will submit this proposition to the honorable Secretary of the Interior, that we may know we do not violate some one of the solemn treaties made with these Indians, who are very captious and claim to the very letter the execution on our part of those treaties, the obligations of which they seem to comprehend perfectly." On the 15th of January this suggestion was communicated by General Grant to the Secretary of War with the following remarks: "I approve this proposition of General Sherman, provided it does not conflict with our treaty obligations with the Indians now between the Platte and Arkansas."

We have already shown that such a proposition was directly in the face of our treaty with the Cheyennes, Arapahoes and Apaches. It is true, that a communication of the then Commissioner of Indian Affairs on the subject to the Secretary of the Interior, dated January 15, 1867, was forwarded to the Senate and published by that body; but if any response was ever sent to General Sherman, informing him of existing treaty rights, we are not advised of it. Here, then, the responsibility attaches to the cabinet. A question of such vital importance should have been examined, and a prompt answer communicated to the officer asking the information. When officers are thus left to move in the dark, blunders are not theirs alone.

A few words only can be given to the origin of the Powder River war. This is partly in the country conceded to the Crows and partly in that conceded to the Sioux by the treaty of 1851. The Sioux have gradually driven the Crows back upon the headwaters of the Yellowstone, in Montana, and claim as a conquest almost the entire country traversed by what is called the Powder River route to Montana. It will be recollected that the treaty of 1851 ceased to be operative in 1866. The annuities had been distributed, or rather appropriations therefor had been made, for the last five years of the term, under the amendment of the Senate heretofore referred to.

The Indians were apprised, of course, that after that year they must look to their own exertions for subsistence. Since 1851, they had seen Colorado settled on the south, and Montana rapidly filling up to the north, leaving them no valuable hunting-grounds of their ancient domain, except along Powder river and other tributaries of the Yellowstone. While the luxuriant growth of grass in this region made it desirable as an Indian hunting-ground, it also rendered it inviting to the gold hunter, as a route to the new mines of Montana.

These Indians have never founded the title to their lands upon the treaty of 1851. They have looked upon that treaty as a mere acknowledgment of a previously existing right in themselves. The assignment of boundaries, they supposed, was merely to fix rights among the tribes—to make certain what was uncertain before. It is true, that by said treaty they "recognized" the right of the United States to establish roads and military posts. But it is equally true, that in lieu of this privilege the United States was to pay them \$50,000 per annum for fifty years. The Senate reduced the term to ten years, and the Indians never having ratified the amendment, they have some right to claim, when the annuities are stopped, at the end of fifteen years, a release from their obligations in this behalf.

The proper plan would have been to show some respect to their claims—call them pretensions, if you please—as also some regard for their wants, by entering into new relations with them. This, however, was not done. The Indian, who had stood by and seen the stream of population pouring over his lands to California, Utah, Oregon, and Montana, for so many years, began now, when thrown back by the government upon his own resources, to seek some place where he might be secure from intrusion.

But just at this moment, the war of the rebellion being over, thousands of our people turned their faces toward the treasures of Montana. The stories in regard to its mines eclipsed those fabulous tales that phrenzied the Spaniard in Mexico.

The Indian was forgotten. His rights were lost sight of in the general rush to these fountains of wealth. It seemed not to occur to any one that this poor, despised red man was the original discoverer, and the sole occupant for many centuries, of every mountain seamed with quartz, and of every stream whose yellow sands glistened in the noonday sun. These mountains and streams, where gold is found, had all been taken from him. He asked to retain only a secluded spot, where the buffalo and the elk could live, and that spot he would make his home.

This could not be granted him. It lay on the route to these quartz mountains and Paetolian streams. The truth is, no place was left for him. Every inch of the land "belongs to the saints, and we are the saints."

On the 10th of March, 1866, General Pope, then commanding the department of the Missouri, issued an order to establish military posts "near the base of the Big Horn mountain," and "on or near the upper Yellowstone," on the new route to Montana. On the 23d of June, orders were issued from headquarters, department of the Platte, directing a part of the 18th infantry to garrison Forts Reno, Phil. Kearney and C. F. Smith. Colonel Carrington was placed in command of this new organization, called the "mountain district."

Phil. Kearney was established July 15th, and C. F. Smith August 3d. The Indians notified the troops that the occupation of their country would be resisted. The warning was unheeded.

An attempt was made during that summer, by the Interior Department, to stop the threatened war by negotiation. The Indians, in council, demanded the evacuation of the country before treating. This could not be granted, because the civil and military departments of our government cannot, or will not, understand each other. Some of the chiefs reluctantly submitted and signed the treaty, but Red Cloud retired from the council, placing his hand upon his rifle and saying, "In this and the Great Spirit I trust for the right."

In a few weeks the fires of war blazed along the entire length of this new route. So far from securing emigrant travel the forts themselves were besieged; the mountains swarmed with Indian warriors; the valleys seemed to be covered by them. Wood and hay were only procured at the end of a battle. Matters grew worse until the 21st of December, when a wood party being attacked, a reinforcement under Lieutenant Colonel Fetterman was sent out, and a fight ensued in which every man of our forces was killed. This is called the massacre of Fort Phil. Kearney.

As we have already stated, the Indians yet demand the surrender of this country to them. But they have agreed to suspend hostilities and meet commissioners next spring to treat of their alleged rights, without insisting on the previous withdrawal of the garrisons. Whether they will then insist on the abandonment of the route, we cannot say. Of one thing we are satisfied—that so long as the war lasts the road is entirely useless to emigrants. It is worse than that, it renders other routes insecure, and endangers territorial settlements. It is said that a road to Montana, leaving the Pacific railroad farther west and passing down the valley west of the Big Horn mountains, is preferable to the present route. The Indians present no objection to such a road, but assure us that we may travel it in peace.

If it be said that the savages are unreasonable, we answer, that if civilized they might be reasonable. At least they would not be dependent on the buffalo and the elk; they would no longer want a country exclusively for game, and the presence of the white man would become desirable. If it be said that because they are savages they should be exterminated, we answer that, aside from the humanity of the suggestion, it will prove exceedingly difficult, and if money considerations are permitted to weigh, it costs less to civilize than to kill.

In making treaties it was enjoined on us to remove, if possible, the causes of complaint on the part of the Indians. This would be no easy task. We have done the best we could under the circumstances, but it is now rather late in the

day to think of obliterating from the minds of the present generation the remembrance of wrong. Among civilized men war usually springs from a sense of injustice. The best possible way then to avoid war is to do no act of injustice. When we learn that the same rule holds good with Indians, the chief difficulty is removed. But, it is said our wars with them have been almost constant. Have we been uniformly unjust? We answer, unhesitatingly, yes! We are aware that the masses of our people have felt kindly toward them, and the legislation of Congress has always been conceived in the best intentions, but it has been erroneous in fact or perverted in execution. Nobody pays any attention to Indian matters. This is a deplorable fact. Members of Congress understand the negro question, and talk learnedly of finance, and other problems of political economy, but when the progress of settlement reaches the Indian's home, the only question considered is, "how best to get his lands." When they are obtained the Indian is lost sight of. While our missionary societies and benevolent associations have annually collected thousands of dollars from the charitable, to be sent to Asia and Africa for purposes of civilization, scarcely a dollar is expended or a thought bestowed on the civilization of Indians at our very doors. Is it because the Indians are not worth the effort at civilization? Or is it because our people, who have grown rich in the occupation of their former lands—too often taken by force or procured in fraud—will not contribute? It would be harsh to insinuate that covetous eyes have possibly been set on their remaining possessions, and extermination harbored as a means of accomplishing it. As we know that our legislators and nine-tenths of our people are actuated by no such spirit, would it not be well to so regulate our future conduct in this matter as to exclude the possibility of so unfavorable an inference?

We are aware that it is an easy task to condemn the errors of former times, as well as a very thankless one to criticise those of the present; but the past policy of the government has been so much at variance with our ideas of treating this important subject, that we hope to be indulged in a short allusion to it.

The wave of our population has been from the east to the west. The Indian was found on the Atlantic seaboard, and thence to the Rocky mountains lived numerous distinct tribes, each speaking a language as incomprehensible to the other as was our language to any of them. As our settlements penetrated the interior, the border came in contact with some Indian tribe. The white and Indian must mingle together and jointly occupy the country, or one of them must abandon it. If they could have lived together, the Indian by this contact would soon have become civilized and war would have been impossible. All admit this would have been beneficial to the Indian. Even if we thought it would not have been hurtful to the white man, we would not venture on such an assertion, for we know too well his pride of race. But suppose it had proved a little inconvenient as well as detrimental, it is questionable whether the policy adopted has not been more injurious. What prevented their living together? First. The antipathy of race. Second. The difference of customs and manners arising from their tribal or clannish organization. Third. The difference in language, which, in a great measure, barred intercourse and a proper understanding each of the other's motives and intentions.

Now by educating the children of these tribes in the English language these differences would have disappeared, and civilization would have followed at once. Nothing then would have been left but the antipathy of race, and that too is always softened in the beams of a higher civilization.

Naturally the Indian has many noble qualities. He is the very embodiment of courage. Indeed at times he seems insensible of fear. If he is cruel and revengeful it is because he is outlawed, and his companion is the wild beast. Let civilized man be his companion and the association warms into life virtues of the rarest worth. Civilization has driven him back from the home he loved; it has often tortured and killed him, but it never could make him a slave. As

we have had so little respect for those we did enslave, to be consistent this element of Indian character should challenge some admiration.

But suppose, when civilized, our pride had still rejected his association, we could at least have removed the causes of war by giving him a home to himself, where he might, with his own race, have cultivated the arts of peace. Through sameness of language is produced sameness of sentiment and thought; customs and habits are moulded and assimilated in the same way, and thus in process of time the differences producing trouble would have been gradually obliterated. By civilizing one tribe others would have followed. Indians of different tribes associate with each other on terms of equality; they have not the Bible, but their religion, which we call superstition, teaches them that the Great Spirit made us all. In the difference of language to-day lies two-thirds of our trouble.

Instead of adopting the plan indicated, when the contact came the Indian had to be removed. He always objected and went with a sadder heart. His hunting grounds are as dear to him as is the home of his childhood to the civilized man. He too loves the streams and mountains of his youth; to be forced to leave them breaks those tender chords of the heart which vibrate to the softer sensibilities of human nature, and dries up the fountains of benevolence and kindly feeling without which there is no civilization.

It is useless to go over the history of Indian removals. If it had been done but once, the record would be less revolting; from the eastern to the middle States, from there to Illinois and Wisconsin, thence to Missouri and Iowa, thence to Kansas, Dakota and the plains; whither now we cannot tell. Surely the policy was not designed to perpetuate barbarism, but such has been its effect. The motives prompting these removals are too well known to be noticed by us. If the Indians were now in a fertile region of country the difficulty would be less; they would not have to be removed again. But many of them are beyond the region of agriculture, where the chase is a necessity. So long as they have to subsist in this way civilization is almost out of the question. If they could now be brought back into the midst of civilization instead of being pushed west, with all its inconveniences it might settle the problem sooner than in any other way; but were we prepared to recommend such a scheme, the country is not prepared to receive it, nor would the Indians themselves accept it.

But one thing then remains to be done with honor to the nation, and that is to select a district, or districts of country, as indicated by Congress, on which all the tribes east of the Rocky mountains may be gathered. For each district let a territorial government be established, with powers adapted to the ends designed. The governor should be a man of unquestioned integrity and purity of character; he should be paid such salary as to place him above temptation; such police or military force should be authorized as would enable him to command respect and keep the peace; agriculture and manufactures should be introduced among them as rapidly as possible; schools should be established which the children should be required to attend; their barbarous dialects should be blotted out and the English language substituted. Congress may from time to time establish courts and other institutions of government suited to the condition of the people. At first it may be a strong military government; let it be so if thought proper, and let offenders be tried by military law until civil courts would answer a better purpose. Let farmers and mechanics, millers and engineers be employed and sent among them for purposes of instruction; then let us invite our benevolent societies and missionary associations to this field of philanthropy nearer home. The object of greatest solicitude should be to break down the prejudices of tribe among the Indians; to blot out the boundary lines which divide them into distinct nations, and fuse them into one homogenous mass. Uniformity of language will do this—nothing else will. As this work

advances each head of a family should be encouraged to select and improve a homestead. Let the women be taught to weave, to sew and to knit. Let polygamy be punished. Encourage the building of dwellings, and the gathering there of those comforts which endear the home.

The annuities should consist exclusively of domestic animals, agricultural and mechanical implements, clothing, and such subsistence only as is absolutely necessary to support them in the earlier stages of the enterprise. Money annuities, here and elsewhere, should be abolished forever. These more than anything else have corrupted the Indian service and brought into disgrace officials connected with it. In the course of a few years the clothing and provision annuities also may be dispensed with. Mechanics and artisans will spring up among them, and the whole organization, under the management of a few honest men, will become self-sustaining.

The older Indians at first will be unwilling to confine themselves to these districts. They are inured to the chase and they will not leave it. The work may be of slow progress, but it must be done. If our ancestors had done it, it would not have to be done now; but they did not, and we must meet it. Aside from extermination this is the only alternative now left us. We must take the savage as we find him, or rather as we have made him. We have spent two hundred years in creating the present state of things. If we can civilize in twenty-five years it will be a vast improvement on the operations of the past. If we attempt to force the older Indians from the chase it will involve us in war. The younger ones will follow them into hostility and another generation of savages will succeed. When the buffalo is gone the Indians will cease to hunt. A few years of peace and the game will have disappeared. In the meantime by the plan suggested we will have formed a nucleus of civilization among the young that will restrain the old and furnish them a home and subsistence when the game is gone.

The appeal of these old Indians is irresistible. They say, "We know nothing about agriculture. We have lived on game from infancy. We love the chase. Here are the wide plains over which the vast herds of buffalo roam. In the spring they pass from south to north, and in the fall return, traversing thousands of miles. Where they go you have no settlements; and if you had, there is room enough for us both. Why limit us to certain boundaries beyond which we shall not follow the game? If you want the lands for settlement come and settle them. We will not disturb you. *You* may farm and *we* will hunt. *You* love the one, *we* love the other. If you want game we will share it with you. If we want bread, and you have it to spare, give it to us; but do not spurn us from your doors. Be kind to us and we will be kind to you. If we want ammunition, give or sell it to us. We will not use it to hurt you, but pledge you all we have, our word, that at the risk of our own we will defend your lives."

If Congress should adopt these suggestions, the only question remaining is, whether there shall be one or two territories. Under all the circumstances we would recommend the selection of two, and locate them as follows, viz:

First, the territory bounded north by Kansas, east by Arkansas and Missouri, south by Texas, and west by the 100th or 101st meridian.

In this territory the Cherokees, Creeks, Choctaws, and others of the civilized tribes already reside. In process of time others might gradually be brought in, and in the course of a few years we might safely calculate on concentrating there the following tribes, to wit:

	Present population.
Cherokees.....	14,000
Creeks.....	14,296
Choctaws.....	12,500

	Present population.
Chickasaws	4,500
Seminoles	2,000
Osages	3,000
Wichitas, (various tribes)	3,508
Kiowas and Comanches	14,800
Cheyennes, Arapahoes, and Apaches	4,000
Pottawatomies	1,992
Kansas Indians, (various tribes)	4,039
Navajoes of New Mexico	7,700
Total	<u>86,435</u>

It will be seen that we include in this estimate the Kansas Indians and number them at their full population. We learn that treaties are now pending before the Senate for the removal of all the Indians in that State. Among these Indians are many upright, moral, and enlightened men, and our policy, as already indicated, would be to have them take lands in severalty on their present reservations, selling the remainder and becoming incorporated among the citizens of the State.

The second district might be located as follows, viz: the territory bounded north by the 46th parallel, east by the Missouri river, south by Nebraska and west by the 104th meridian.

If the hostile Sioux cannot be induced to remove from the Powder river, a hunting privilege may be extended to them for a time, while the nucleus of settlement may be forming on the Missouri, the White Earth or Cheyenne river. To prevent war, if insisted on by the Sioux, the western boundary might be extended to the 106th or even the 107th meridian for the present.

The following tribes might in a reasonable time be concentrated on this reservation, to wit:

	Present population.
Yancton Sioux	2,530
Poncas	980
Lower Brulés	1,200
Lower Yanctonais	2,100
Two Kettles	1,200
Blackfeet	1,320
Minneconjoux	2,220
Uncpapas	1,800
Ogallallas	2,100
Upper Yanctonais	2,400
Sans Arcs	1,680
Arickarees	1,500
Gros-Ventres	400
Mandans	400
Assinaboines	2,640
Flatheads	558
Upper Pend d'Oreilles	918
Kootenays	287
Blackfeet	2,450
Piegans	1,870
Bloods	2,150
Gros-Ventres	1,500
Crows	3,900
Winnebagoes	1,750

	Present population.
Omahas	998
Ottoes	511
Brulé and Ogallalla Sioux	7, 865
Northern Cheyennes	1, 800
Northern Arapahoos	750
Santee Sioux	1, 350
Total	54, 126

It may be advisable to let the Winnebagoes, Omahas, Ottoes, Santee Sioux, and perhaps others, remain where they are, and finally become incorporated with the citizens of Nebraska, as suggested in regard to the Kansas tribes.

The next injunction upon us was to make secure our frontier settlements and the building of our railroads to the Pacific. If peace is maintained with the Indian, every obstacle to the spread of our settlements and the rapid construction of the railroads will be removed. To maintain peace with the Indian, let the frontier settler treat him with humanity, and railroad directors see to it that he is not shot down by employes in wanton cruelty. In short, if settlers and railroad men will treat Indians as they would treat whites under similar circumstances, we apprehend but little trouble will exist. They must acquaint themselves with the treaty obligations of the government, and respect them as the highest law of the land. Instead of regarding the Indian as an enemy, let them regard him as a friend, and they will almost surely receive his friendship and esteem. If they will look upon him as an unfortunate human being, deserving their sympathy and care, instead of a wild beast to be feared and detested, then their own hearts have removed the chief danger.

We were also required to suggest some plan for the civilization of Indians. In our judgment, to civilize is to remove the causes of war, and under that head we suggested a plan for civilizing those east of the mountains. But as it is impracticable to bring within the two districts named all the Indians under our jurisdiction, we beg the privilege to make some general suggestions, which may prove beneficial to the service.

1. We recommend that the intercourse laws with the Indian tribes be thoroughly revised. They were adopted when the Indian bureau was connected with the War Department. Since that time the jurisdiction has been transferred to the Interior Department. This was done by simply declaring that the authority over this subject, once exercised by the Secretary of War, should now be exercised by the Secretary of the Interior. Some of the duties enjoined by these laws are intimately connected with the War Department, and it is questionable whether they were intended to be transferred to the Secretary of the Interior. If they were so transferred, the military officers insist that the command of the army is, *pro tanto*, withdrawn from them. If not transferred, the Indian department insists that its powers are insufficient for its own protection in the administration of its affairs. Hence the necessity of clearly defining the line separating the rights and duties of the two departments.

2. This brings us to consider the much mooted question whether the bureau should belong to the civil or military department of the government. To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to have war with them the bureau should go to the Secretary of War. If we intend to have peace it should be in the civil department. In our judgment, such wars are wholly unnecessary, and hoping that the government and the country will agree with us, we cannot now advise the change. It is possible, however, that, despite our efforts to maintain peace, war may be forced on us by some tribe or tribes of Indians. In the event of such

occurrence it may be well to provide, in the revision of the intercourse laws or elsewhere, at what time the civil jurisdiction shall cease and the military jurisdiction begin. If thought advisable, also, Congress may authorize the President to turn over to the military the exclusive control of such tribes as may be continually hostile or unmanageable. Under the plan which we have suggested the chief duties of the bureau will be to educate and instruct in the peaceful arts—in other words, to civilize the Indians. The military arm of the government is not the most admirably adapted to discharge duties of this character. We have the highest possible appreciation of the officers of the army, and fully recognize their proverbial integrity and honor; but we are satisfied that not one in a thousand would like to teach Indian children to read and write, or Indian men to sow and reap. These are emphatically civil, and not military, occupations. But it is insisted that the present Indian service is corrupt, and this change should be made to get rid of the dishonest. That there are many bad men connected with the service cannot be denied. The records are abundant to show that agents have pocketed the funds appropriated by the government and driven the Indians to starvation. It cannot be doubted that Indian wars have originated from this cause. The Sioux war, in Minnesota, is supposed to have been produced in this way. For a long time these officers have been selected from partisan ranks, not so much on account of honesty and qualification as for devotion to party interests and their willingness to apply the money of the Indian to promote the selfish schemes of local politicians. We do not doubt that some such men may be in the service of the bureau now, and this leads us to suggest:

3. That Congress pass an act fixing a day (not later than the 1st of February, 1869) when the offices of all superintendents, agents, and special agents shall be vacated. Such persons as have proved themselves competent and faithful may be reappointed. Those who have proved unfit will find themselves removed without an opportunity to divert attention from their own unworthiness by professions of party zeal.

4. We believe the Indian question to be one of such momentous importance, as it respects both the honor and interests of the nation, as to require for its proper solution an undivided responsibility. The vast and complicated duties now devolved upon the Secretary of the Interior leave him too little time to examine and determine the multiplicity of questions necessarily connected with the government and civilization of a race. The same may be said of the Secretary of War. As things now are, it is difficult to fix responsibility. When errors are committed the civil department blames the military; the military retort by the charge of inefficiency or corruption against the officers of the bureau. The Commissioner of Indian Affairs escapes responsibility by pointing to the Secretary of the Interior, while the Secretary may well respond that, though in theory he may be responsible, practically he is governed by the head of the bureau. We, therefore, recommend that Indian affairs be committed to an independent bureau or department. Whether the head of the department should be made a member of the President's cabinet is a matter for the discretion of Congress and yourself, and may be as well settled without any suggestions from us.

5. We cannot close this report without alluding to another matter calling for the special attention of Congress. Governors of Territories are now *ex officio* superintendents of Indian affairs within their respective jurisdictions. The settlements in the new Territories are generally made on Indian lands before the extinguishment of the Indian title. If difficulties ensue between the whites and Indians, the governor too frequently neglects the rights of the red man, and yields to the demands of those who have votes to promote his political aspirations in the organization of the forthcoming State. Lest any acting governor

may suppose himself alluded to, we take occasion to disclaim such intention. We might cite instances of gross outrage in the past, but we prefer to base the recommendation upon general principles, which can be readily understood. And in this connection we deem it of the highest importance that—

6. No governor or legislature of States or Territories be permitted to call out and equip troops for the purpose of carrying on war against Indians. It was Colorado troops that involved us in the war of 1864-'65, with the Cheyennes. It was a regiment of hundred-day men that perpetrated the butchery at Sand Creek, and took from the treasury millions of money. A regiment of Montana troops, last September, would have involved us in an almost interminable war with the Crows but for the timely intervention of the military authorities. If we must have Indian wars, let them be carried on by the regular army, whose officers are generally actuated by the loftiest principles of humanity, and the honor of whose profession requires them to respect the rules of civilized warfare.

7. In reviewing the intercourse laws it would be well to prescribe anew the conditions upon which persons may be authorized to trade. At present every one trades with or without the authority of the bureau officers, on giving a bond approved by a judge of one of the district courts. Corrupt and dangerous men thus find their way among the Indians, who cheat them in trade, and sow the seeds of dissension and trouble.

8. New provision should be made authorizing and positively directing the military authorities to remove white persons who persist in trespassing on Indian reservations and unceded Indian lands.

9. The Navajo Indians in New Mexico were for several years held as prisoners of war at the Bosque Redondo, at a very great expense to the government. They have now been turned over to the Interior Department, and must be subsisted as long as they remain there. We propose that a treaty be made with them, or their consent in some way obtained, to remove at an early day to the southern district selected by us, where they may soon be made self-supporting.

10. We suggest that the President may, at times, appoint some person or persons in the distant Territories, either civilians or military men, to make inspection of Indian affairs, and report to him.

11. A new commission should be appointed, or the present one be authorized to meet the Sioux next spring, according to our agreement, and also to arrange with the Navajoes for their removal. It might be well, also, in case our suggestions are adopted in regard to selecting Indian territories, to extend the powers of the commission, so as to enable us to conclude treaties or agreements with tribes confessedly at peace, looking to their concentration upon the reservations indicated.

In the course of a short time the Union Pacific railroad will have reached the country claimed by the Snakes, Bannacks, and other tribes, and, in order to preserve peace with them the commission should be required to see them and make with them satisfactory arrangements.

Appended hereto will be found—

1. The journal of our meetings, and councils held.
2. The detailed mass of evidence taken and reports collected, illustrative of the objects embraced in the act creating the commission.
3. The treaty made and concluded with the Kiowas and Comanches.
4. The supplementary treaty made and concluded with the Apaches of the plains.
5. The treaty of peace made and concluded with the Cheyennes and Arapahoes.
6. The account current of all moneys received and disbursed by authority of the commission.

In conclusion, we beg permission to return our thanks to the officers of the military posts everywhere within the limits of our operations, for their uniform courtesy and kindness. The officers of the railroad companies on the plains especially are entitled to our thanks for kind co-operation in the objects of our mission, and attention to our convenience and comfort.

Respectfully submitted :

N. G. TAYLOR, *President*,
J. B. HENDERSON,
W. T. SHERMAN, *Lieut. Gen.*,
WM. S. HARNEY, *Bvt. Maj. Gen.*,
JOHN B. SANBORN,
ALFRED H. TERRY, *Bvt. Maj. Gen.*,
S. F. TAPPAN,
C. C. AUGUR, *Bvt. Maj. Gen. U. S. A.*,
Commissioners.

WASHINGTON CITY, D. C.,

January 7, 1868.